

MEMORANDUM OF UNDERSTANDING

BETWEEN

the SALEM PUBLIC SCHOOLS and the SALEM POLICE DEPARTMENT

This document is to establish the formalized working relationships agreed upon by the Salem Public Schools and the Salem Police Department to provide a safe educational setting free of drugs and violence. Excerpts of this agreement will be published in the Student Handbook to inform students and parents of this collaboration.

GENERAL PRINCIPLES

The Salem Public Schools and the Salem Police Department agree to develop, coordinate, and implement their response to violent, delinquent, or criminal acts by students, including weapons reporting, alcohol and other drug-use, which occur on school premises or at school-related events. To ensure a safe educational environment, this collaborative effort between the school administration and law enforcement supports “zero tolerance” for harassment, intimidation, violence, weapons, alcohol and other drugs. Non-students involved in such acts on school premises or at school events will be reported to the police.

This collaborative working relationship between school and law enforcement will serve to foster communication, mutual respect and understanding between and among all concerned parties. Every effort will be made to communicate information effectively within the statutory mandates of both agencies, in order to better support children in the community. To eliminate any confusion, this document identifies the school’s role with respect to discipline matters and the police role with respect to investigation of criminal activity. In addition, this document includes the process for communication with parents or guardians.

Massachusetts General Law, Chapter 721, Section 37H requires each school district to have a Code of Conduct reflected in student handbooks. References will include the standards and procedures that assure building security and the safety of students and school personnel, and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, harassment, vandalism, or civil rights violations. Reference to this Memorandum shall be made in Salem Public Schools Handbooks.

It continues to be the sole prerogative of school officials to impose any discipline sanctions for infractions of school rules and policies independent of any police involvement or investigation. Notification to the student and his/her parent/guardian is an integral part of this process.

REPORTING PROCESS BETWEEN THE SCHOOL DEPARTMENT AND POLICE

The building principals are responsible for reporting criminal activity to the police department to ensure a coordinated response. All calls that require immediate response should be made to 911 or to the Juvenile Officer. Follow-up and on-going communication to the school department will be done by the officer designated by the Police Chief .

When the school has reported an incident to the police, the police will determine whether a court complaint should be filed. In certain cases, based on the information and facts provided to the police, an incident report may be requested and filed in lieu of a formal court complaint.

Incident reports may also be sent to the police department for repeated violations of school policies that do not meet the standard formal charges (i.e. situations of bullying, repeated fights, chronic disruption, and verbal abuse/harassment). In addition, a school offender C.H.I.N.S. (Child In Need of Services) for behaviors of this type may be considered.

The school agrees to notify the police department before suspending a student under provisions of M.G.L. Chapter 71, Section 37H1/2, based on information received of a pending felony charge or felony disposition.

Mandatory reportable acts include:

- Any serious incident of assaultive behavior such as any assault and battery resulting in an injury of a staff member or student, unprovoked attacks, or use of a dangerous weapon as defined in the Student Handbook and/or statute, or any object capable of causing injury
- Possession of a dangerous weapon resulting in a felony charge defined by statute or as defined in the School Handbook
- Destruction of property including graffiti, tagging, arson, vandalism, or theft
- Incidents of domestic / dating / relationship violence
- Violation of a restraining order
- Any sexual assault or inappropriate sexual behavior which may include indecent exposure, touching, fondling and rape

- Incidents of harassment, civil rights violation, hazing, or threats
- Finding any student who is in actual or constructive possession of what is reasonably believed to be a controlled substance as defined by state law
- Having a reasonable belief that any student has sold or offered to sell or otherwise distributed a drug which is believed to be a controlled substance under the law
- Finding any student who is believed to be in possession of or under the influence of alcohol or other drugs

Reporting is mandatory, but communication may be limited in the case of an on-going police investigation.

Any teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act as defined above shall have that student transported to the Principal. The Principal shall ask the reporting teacher/employee what happened and take custody of the student and any physical evidence.

The Principal shall inform the student and his/her parent or guardian of the nature of the offense and inform them that certain offenses must be reported to the police. The Principal shall offer the student the opportunity to respond to the teacher/employee report. The Principal shall in the case of a mandatory reportable act notify the police of the incident and the existence of any physical evidence. All contraband (drugs, drug paraphernalia, alcohol, firearms, and dangerous weapons) shall be immediately surrendered to the police.

In addition, the Principal will comply with M.G.L. Chapter 71, Section 37L requiring that an incident involving a student's possession or use of a dangerous weapon on school premises, whether or not it occurred during school hours, and whether or not the student has been expelled, file a "weapons" report with the Superintendent. Consistent with the law, the Superintendent shall file copies with the police chief, the Department of Social Services, the office of student services, and the Salem School Committee.

In cases where children are victims of or witnesses to Domestic Violence, both the schools and police are mandated to report their concerns to the Department of Social Services under Chapter 119, Section 51A. This information may be shared with the school whenever possible within the statutory ability of the Salem Police Department. The adult victim's right to privacy should be respected, particularly when the children are witnesses to the domestic violence. In determining what information is shared, it is important to balance privacy concerns with the potential impact on the student's academic and social performance. *Safety considerations are paramount in any decisions made regarding information sharing.*

A designee of the Chief of Police will meet regularly with the school administration to share information with the school on felony arrests and any other community concerns that affect the safety and general welfare of all students.

Upon notification from the Principal, police shall respond in cases of mandatory reportable acts and may respond in other cases.

SEARCH and SEIZURE

School personnel are permitted to search a student's clothing, personal possessions, or locker at the direction of the Principal if there are reasonable grounds for suspecting that the student has violated or is violating federal, state, local law, or provisions of the School Discipline Code. Students will be informed in writing through the student handbook of this practice. The Principal shall keep a record of such searches detailing time, reason(s) and witness(es). [New Jersey v. TLO, 469 U.S. 325 (1985); Commonwealth v. Carey, 407 Mass. 528 (1990)]

SEX OFFENDER REGISTRY INFORMATION

The Superintendent of Schools will designate an individual to receive S.O.R.I. from the police department. Continuous communication regarding Level I, Level II and Level III offenders, periodic updates, and law enforcement concerns regarding S.O.R.I. will be established. Principals will immediately notify the Salem Police Department, if a registered sex offender is identified acting inappropriately around a school or approaching children. Since the care and protection of students is the primary consideration, any concerns or issues with individuals listed on the Sex Offender Registry will be referred to the Superintendent's S.O.R.I. designee for immediate consultation with the police.

In summary, as representatives of our respective agencies, we agree and commit to reducing school violence and community criminal activity through our continued efforts of effective communication, information sharing, and developing a school and community network based on mutual respect and understanding which appropriately disseminates information and pursues strategies for early intervention with high-risk youth.